

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CAROL A. WILSON, *et al.*,¹

Plaintiffs,

v.

BUCHANAN EXCAVATING,
et al.,

Defendants.

Case No. 2:14-cv-1397

CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge King

ORDER

Plaintiffs, acting on behalf of certain employee benefits plans, seek injunctive and monetary relief in connection with defendants' alleged failure to make reports and contributions to the plans as required by a collective bargaining agreement and ERISA. 29 U.S.C. § 185; 29 U.S.C. § 1132. On October 20, 2015, the United States Magistrate Judge recommended that the unopposed *Plaintiffs' Motion for Summary Judgment*, ECF 27 ("*Motion for Summary Judgment*"), be granted. *Report and Recommendation*, ECF 30. Although the parties were advised of their right to object to the recommendation and of the consequences of their failure to do so, there has been no objection. The *Report and Recommendation*, ECF 30, is **ADOPTED AND AFFIRMED**. *Plaintiffs' Motion for Summary Judgment*, ECF 27, is **GRANTED**.

Plaintiffs are **AWARDED** judgment as follows:

1. \$23,901.89 in unpaid contributions from January 1, 2011 through February 1, 2013 and \$3,330.01 in unpaid contributions from February 2013 through April 2013 (for a combined total of \$27,231.90) pursuant to 29 U.S.C. § 1132(g)(2)(A);

¹ On March 3, 2015, the Court substituted Carol A. Wilson for former plaintiff Raymond Orrand. *Order*, ECF 14.

2. \$15,702.22 in interest, calculated to August 15, 2015, plus \$13.44 per day thereafter, so long as the judgment remains unpaid pursuant to 29 U.S.C. § 1132(g)(2)(B);
3. \$15,702.22 in liquidated damages, calculated to August 15, 2015, plus \$13.44 per day thereafter, so long as the judgment remains unpaid pursuant to 29 U.S.C. § 1132(g)(2)(C);
4. Court costs in the amount of \$400.00 pursuant to 29 U.S.C. § 1132(g)(2)(D);
5. Reasonable attorney's fees pursuant to 29 U.S.C. § 1132(g)(2)(D); and
6. Injunctive relief pursuant to 29 U.S.C. § 1132(g)(2)(E), including a mandatory injunction directing defendants to comply with its contribution and audit obligations under the various agreements as set forth in more detail in the *Complaint*, pp. 9-12.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT** accordingly.

12-1-2015
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE